# In The Matter Of:

*Bernard Sebago, et al. v.*

*City of Boston, USA Taxi Association, Inc., et al.*

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*Edward J. Tutunjian*

*February 12, 2013*

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1 COMMONWEALTH OF MASSACHUSETTS
2 SUFFOLK, SS. SUPERIOR COURT
3 C.A. 12-0930-B
4 -------------------------------------------x
5 BERNARD SEBAGO, PIERRE DUCHEMIN,
6 Individually and on behalf of all others
7 similarly situated,
8 Plaintiffs
9 vs.
10 CITY OF BOSTON; USA TAXI ASSOCIATION, INC.;
11 BOSTON CAB DISPATCH, INC.; INDEPENDENT TAXI
12 OPERATIONS ASSOCIATION,
13 Defendants
14 -------------------------------------------x
15 DEPOSITION OF EDWARD J. TUTUNJIAN,
16 a witness called on behalf of the Plaintiffs,
17 taken pursuant to the Massachusetts Rules of
18 Civil Procedure, before Deborah G. Rumson,
19 Registered Professional Reporter, Certified
20 Shorthand Reporter, and Notary Public, in and
21 for the Commonwealth of Massachusetts, at the
22 Offices of Lichten & Liss-Riordan, P.C.,
23 100 Cambridge Street, Boston, Massachusetts,
24 on Tuesday, February 12, 2013, at 10:14 a.m.

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1 I N D E X
2 WITNESS: EDWARD J. TUTUNJIAN



8
9 E X H I B I T S



22
23 (Exhibits retained by Attorney Liss-Riordan)
24

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1 PROCEEDINGS
2 EDWARD J. TUTUNJIAN
3 having been satisfactorily identified by the
4 production of his driver's license and duly
5 sworn by the Notary Public, was examined and
6 testified as follows in answer to direct
7 interrogatories:
8
9 **EXAMINATION BY MS. LISS-RIORDAN:**
10
11 Q. Good morning, Mr. Tutunjian.
12 **A. Good morning.**
13 Q. My name is Shannon Liss-Riordan. I am one of
14 the plaintiffs' lawyers in this lawsuit. I
15 am going to start by asking you to state your
16 full name for the record.
17 **A. Edward J. Tutunjian.**
18 Q. And, Mr. Tutunjian, I imagine you have been
19 deposed before; is that right?
20 **A. Yes.**
21 Q. So you understand that we have a court
22 reporter taking down everything that you and
23 I say. And I need you to answer all of your
24 questions orally so that she can hear them,

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1 not with just a nod of the head, so we can
2 get a transcript of everything we both say.
3 If there is anything I ask that you
4 don't understand, feel free to ask me to
5 repeat the question or to clarify it. Okay?
6 **A. Okay.**
7 **MS. LISS-RIORDAN:** And as far as
8 stipulations, I assume we will stick with
9 what we have been doing?
10 **MR. KAITZ:** That's fine.
11 **MS. LISS-RIORDAN:** Objections,
12 except as to the form, will be reserved until
13 trial. The witness can read and sign his
14 deposition. We will waive the notary.
15 Is there anything else?
16 **MR. KAITZ:** No. We will reserve
17 motions to strike as well.
18 **MS. LISS-RIORDAN:** Okay. That's
19 fine.
20 Q. Mr. Tutunjian, am I pronouncing your name
21 correctly?
22 **A. Yes.**
23 Q. What do you do for a living?
24 **A. I lease cabs. I have some real estate. I do**

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1 **parking. I have some other business outside**
2 **the country, which is vineyards in Chile.**
3 **And that's about it.**
4 Q. I am going to go through and ask you about
5 these in a minute. But, first, are there any
6 other businesses that you are involved in
7 other than what you have just generally
8 listed for me?
9 **A. If I missed some, you have to refresh my**
10 **memory.**
11 Q. You said you leased cabs, you are involved in
12 real estate, parking, vineyards. Is there
13 anything else that you do?
14 **A. Repair cars, participate in loans. That's**
15 **like financing. I can't think of anything**
16 **else.**
17 Q. Can you describe for me what you typically do
18 on a day-to-day basis.
19 **A. I wake up, go to the gym, go to the garage,**
20 **some days I will play tennis, and I spend my**
21 **day in the garage.**
22 Q. What garage is that?
23 **A. 60 Kilmarnock Street.**
24 Q. What business is at that address?

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1 **A. We lease cabs from that location, and we do**
2 **parking.**
3 Q. And how much time do you typically spend
4 per day at that garage?
5 **A. Seven, eight, nine, depends on the day.**
6 **Average between seven and eight hours a day.**
7 Q. And how many days a week?
8 **A. It depends. If there is baseball, if the Red**
9 **Sox are playing, I spend six days, seven days**
10 **about, but most average, five and a half days**
11 **I spend.**
12 Q. And what do you do at the garage?
13 **A. I sit down and watch soccer. I talk to**
14 **drivers. I talk to mechanics, answer phone**
15 **calls.**
16 Q. Who else works at that garage?
17 **A. My nephews, Armen, my son Peter, Raffi. I**
18 **have some mechanics who work and repair the**
19 **cabs.**
20 Q. What do your nephews and son do? Go through
21 and tell me their names again.
22 **A. Raffi.**
23 Q. Raffi is your nephew?
24 **A. Yes. Raffi. Armen is my nephew. Peter is**

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1 **my son.**
2 Q. What does Raffi do? What is his job?
3 A. **He opens the bag, counts the money, talks to**
4 **drivers. Armen does the same thing. My son**
5 **does it. Peter does the same too.**
6 Q. Do they all report to you?
7 A. **I don't know if they report to me. They do**
8 **what they want. They run it like it is their**
9 **business.**
10 Q. They own the business as well?
11 A. **No. But it is family so... They're family.**
12 Q. Let me step back and ask you some background.
13 Where are you from originally?
14 A. **I was born in Amman, Jordan.**
15 Q. When did you come to this country?
16 A. **1966.**
17 Q. How old were you then?
18 A. **About 17.**
19 Q. What education had you had when you came to
20 this country?
21 A. **I was in high school, and I went to Watertown**
22 **High. I graduated in 1967 from Watertown**
23 **High, and then I went to work and tried to go**
24 **to college and lease a cab at that time.**

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1 **My cousin introduced me to driving a**
2 **cab, and that's how I got into the cab**
3 **business.**
4 Q. When was it that you got into the cab
5 business?
6 A. **'67, '68.**
7 Q. How long did you drive a cab for?
8 A. **I drove until I would say 1979, '80. I owned**
9 **some cabs. I was leasing them and then I**
10 **bought one cab, and then I bought another**
11 **medallion. I leased them. That's about -- I**
12 **was driving and leasing at the same time.**
13 Q. When you first started driving a cab, were
14 you leasing that cab from someone else?
15 A. **Yes.**
16 Q. Who was it that you leased the cab from?
17 A. **I think it was called Red Triangle. I**
18 **remember that name. It was in Dorchester.**
19 Q. And you mentioned that you were trying to go
20 to college. Did you go to college?
21 A. **I went. I tried to go to Bentley one year,**
22 **but I dropped out.**
23 Q. What were you studying?
24 A. **Business.**

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1 Q. Did you ever go back to college?
2 A. **No.**
3 Q. When did you buy your first cab?
4 A. **1972, '73.**
5 Q. Before that you were just leasing. You
6 leased one cab from this company that you
7 just mentioned?
8 A. **I leased many different. I moved around.**
9 Q. Do you remember how it worked back then?
10 Were you paying a fee to these companies?
11 A. **Yes.**
12 Q. Do you remember what the fee was back then?
13 A. **I remember $35 a day, then $175 per week.**
14 Q. Did the different companies generally charge
15 the same amount?
16 A. **It moved around different rates. It depend**
17 **upon the year of the car. People charged**
18 **more for newer cars.**
19 Q. At that time did you have to get a Hackney
20 license from the City of Boston?
21 A. **Yes.**
22 Q. So when did you get your Hackney license?
23 A. **1967, 1968. I don't remember.**
24 Q. And then you said you bought your first cab

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1 in 1972 or 1973, right?
2 A. **Yes.**
3 Q. Did you buy the cab or the medallion or both?
4 A. **I bought the medallion and the car maybe. I**
5 **don't remember if the car and the medallion**
6 **came together.**
7 Q. And do you remember who you bought the
8 medallion from?
9 A. **It was a Greek guy. I don't remember his**
10 **name now. But I remember the cab number.**
11 Q. What was it?
12 A. **727.**
13 Q. And how much did that first medallion cost
14 you?
15 A. **About $30,000.**
16 Q. Now, did you drive the cab that that
17 medallion was for?
18 A. **Yes. I drove it 14, 16, 18 hours a day.**
19 Q. How much did you typically make during a
20 shift like that back then?
21 A. **I don't remember.**
22 Q. And were you an employee or were you an
23 independent contractor back when you were
24 first driving?

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1 MR. KAITZ: Objection.
2 MS. LITSAS: Objection.
3 MR. DeNAPOLI: I object.
4 Q. Were you classified as an employee or an
5 independent contractor back then?
6 MR. KAITZ: Objection.
7 MS. LITSAS: Objection.
8 A. **Leased a cab. I was independent. I did what**
9 **I wanted to. I worked when I worked. I went**
10 **to lease a cab any time I wanted to. Took**
11 **the cab anyplace I wanted to go to. I was my**
12 **own boss. That's why I chose driving a cab.**
13 Q. Did you ever work as an employee while
14 driving a cab, or were you ever classified as
15 an employee while driving a cab?
16 MR. KAITZ: Objection.
17 MS. LITSAS: Objection.
18 MR. DeNAPOLI: Objection.
19 A. **I don't remember.**
20 Q. Now, you said you bought your first cab in
21 1972 or 1973. When did you buy your next
22 cab?
23 A. **Probably a couple of years after that. I**
24 **don't remember all of the details.**

Page 14

1 Q. At some point you started buying more of
2 them, right?
3 A. **Right.**
4 MS. LITSAS: Objection.
5 Q. Can you describe for me what you remember
6 when you started buying more and how many.
7 MR. KAITZ: Objection.
8 A. **I start buying after '74. Probably I bought**
9 **a couple more medallions. I financed them.**
10 **I refinanced the one I had to get more money**
11 **to buy two more. That's how I grew my**
12 **business. I refinanced. I got the equity**
13 **out and put the money down.**
14 Q. What made you decide that this was a good
15 business to go into?
16 MS. LITSAS: Objection.
17 A. **I liked the business. I felt comfortable in**
18 **the business, and my drive was to buy more,**
19 **to expand my business. I was ambitious then.**
20 Q. Can you talk to me a little about the
21 finances of buying a medallion. Back in the
22 1970s you were buying medallions for starting
23 with $30,000 each, right?
24 A. **Right.**

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1 Q. And then what was the return on that
2 investment? What were you able to get from
3 that investment?
4 MR. KAITZ: Objection.
5 A. **I don't remember numbers like that.**
6 Q. You would put down $30,000 or you would
7 finance a medallion for $30,000 or more. I
8 assume the price started going up at some
9 point, right?
10 A. **Right.**
11 MS. LITSAS: Objection.
12 Q. Then in return what did you receive, not
13 specific numbers, but the kinds of things?
14 MS. LITSAS: Objection.
15 Q. You were able to lease the medallion out,
16 right?
17 MS. LITSAS: Objection.
18 A. **I didn't lease the medallion out. I leased**
19 **the cab to another driver. I received rental**
20 **income from leasing to one driver, two**
21 **drivers by the shift, 12-hour shifts.**
22 Q. And approximately how long did it take for
23 you to make back your investment on a
24 medallion from these rentals?

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1 MR. KAITZ: Objection.
2 MR. DeNAPOLI: I object.
3 A. **I don't know.**
4 Q. Approximately. A year, more than a year?
5 MS. LITSAS: Objection.
6 A. **Going that far back, I don't remember.**
7 Q. So you drove a cab yourself until what year?
8 A. **1979, 1980.**
9 Q. At that time how many medallions did you own?
10 A. **Maybe six or nine. I got married in 1979, so**
11 **it was around then.**
12 Q. So at that time you stopped driving a cab
13 yourself?
14 A. **I was still driving, driving, leasing,**
15 **repairing, doing all three things.**
16 Q. How were you repairing? Did you have a
17 business?
18 A. **I repaired under my two-family house,**
19 **changing brakes, changing oil, the garage**
20 **underneath the two-family.**
21 Q. Were you repairing for the cabs that you
22 owned?
23 A. **Yes.**
24 Q. Were you repairing for other cabs?

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1 A. **No.**
2 Q. So why in 1979 or 1980 did you stop driving a
3 cab yourself?
4 A. **I was trying to maintain my six cabs or nine**
5 **cabs I had. So I spent more time maintaining**
6 **them.**
7 Q. How did you select the drivers who would
8 drive those cabs?
9 MR. KAITZ: Objection.
10 MS. LITSAS: Objection.
11 MR. DeNAPOLI: I object.
12 A. **Just word of mouth. Just by driving, meeting**
13 **other drivers, talking to them.**
14 Q. And then after you stopped driving a cab, at
15 some point you began buying more medallions;
16 is that right?
17 A. **Right.**
18 Q. Can you describe for me continuing buying
19 medallions.
20 A. **Boston Cab, they were selling out at that**
21 **time, and they had like -- it was $35,000,**
22 **but you need very small down payment to buy**
23 **more, so I went and I talked to them, and I**
24 **was interested in buying more from them for a**

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1 **very small down payment. It was 3,000 or**
2 **5,000 per cab. You can buy more medallions.**
3 **At that time I wanted to buy them all from**
4 **them. They said, no, no.**
5 **The person who bought from them was**
6 **Raymond Reef, the name Raymond Reef. He is**
7 **deceased now. He was in financing. He was**
8 **the first person who financed my medallion.**
9 Q. Who was it at Boston Cab that you were buying
10 them from?
11 A. **Leslie Barenholtz and Beryl. Leslie and**
12 **Beryl were brothers.**
13 Q. How many cabs did you buy from them?
14 A. **I don't remember. 10, 12.**
15 Q. Is that how you met Brett Barenholtz?
16 A. **Probably around that time.**
17 Q. What was his role with Boston Cab at that
18 time?
19 A. **He was working in the office, him and his**
20 **cousin, Daryl. I used to see them.**
21 Q. So were Leslie and -- I'm sorry?
22 A. **Beryl.**
23 Q. Beryl?
24 A. **Yes.**

Page 19

1 Q. Were those his parents?
2 A. **Yes. Leslie was Daryl's father. Beryl was**
3 **Brett's father.**
4 Q. How many cabs did you buy from Boston Cab?
5 A. **10 to 12, 15. I don't remember the number.**
6 Q. Did you buy Boston Cab at that time or just
7 the cabs?
8 A. **Just the cabs.**
9 Q. And then at some point how did you come to
10 own Boston Cab?
11 A. **Well, when I bought -- maybe at that time I**
12 **had 20 cabs, and I bought a garage in**
13 **South Boston. An ITOA owner, Independent**
14 **Taxi Owners Association. His name was James**
15 **Quinn. That's my first garage purchase**
16 **on C street in South Boston. And I purchased**
17 **from him maybe 10 cabs. I bought his garage**
18 **with the cabs.**
19 Q. When you say you bought a cab -- when you say
20 you buy a cab, does that mean you are buying
21 the cab and the medallion?
22 A. **Yes.**
23 Q. So what was the name of that garage that you
24 bought?

Page 20

1 A. **It was called C and Cypher Garage, which I**
2 **still own.**
3 Q. Is it still located at the same location?
4 A. **Yes.**
5 Q. How many garages do you own?
6 A. **Four.**
7 Q. What do the garages do?
8 A. **You repair cars in the garages.**
9 Q. Is this where cabs are dispatched from?
10 A. **Some garages, yes.**
11 Q. What are the four garages that you own?
12 A. **60 Kilmarnock, 350 Dudley Street, which we**
13 **have a body shop there, a paint booth.**
14 **C Street Garage, where my nephews run their**
15 **cabs from, C and Cypher. And 188 Providence**
16 **Street in Hyde Park. We lease cabs from**
17 **there.**
18 Q. So which of these garages have cabs leased
19 out of?
20 A. **60 Kilmarnock, C and Cypher, which is just my**
21 **nephews lease cabs from there, and**
22 **188 Providence Street in Hyde Park.**
23 Q. But not 350 Dudley?
24 A. **Right.**

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1 **and the customer swipes the card, I don't**
2 **know what percentage of that fare the credit**
3 **card company keeps. Between 4 percent,**
4 **5 percent the credit card company keeps for**
5 **that fare.**
6 Q. Do you receive any portion of the percentage
7 that is not paid to the drivers when a credit
8 card is used?
9 **MR. KAITZ:** Objection.
10 A. **We charge 8 percent if they take a Boston Cab**
11 **voucher. We collect that. If they turn in a**
12 **voucher and say it is $10, we keep 8 percent**
13 **of that as a fee.**
14 Q. What about from the use of the credit cards;
15 do you take any percentage of the credit card
16 transactions?
17 A. **You have to ask Brett.**
18 Q. You don't know?
19 A. **I don't know.**
20 Q. So how do the drivers actually make the
21 payments for the rentals? Can you describe
22 for me that process.
23 A. **When they lease a car?**
24 Q. How do the drivers pay the lease payments?

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1 **MR. DeNAPOLI:** Object.
2 A. **When the driver leases a cab, he pays the**
3 **lease fee in a bag, with a waybill. He put**
4 **it in the pouch and throws it in the safe.**
5 **Armen, Raffi, and Peter, my son, they count**
6 **the money and see if it is correct for the**
7 **lease. If it is shortage on the lease, they**
8 **will tell the leasee that you were short $10**
9 **in your bag or $5. If they are in a hurry,**
10 **they just put what they have, and the next**
11 **day they come and say, I will put short.**
12 **Here is my $10.**
13 Q. Do the drivers pay that fee in a bag at the
14 beginning of the shift or at the end of the
15 shift?
16 A. **End of the shift.**
17 Q. Do they typically pay that fee in cash?
18 A. **Yes.**
19 Q. Are they able to pay the shift fee other than
20 in cash?
21 A. **Sometimes in vouchers. It is mixed half and**
22 **half, credit slips, credit card, or a law**
23 **firm has an account with us, they give the**
24 **charge slips to the driver. He pays us cash,**

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1 **subtract 8 percent, and puts it in the bag.**
2 Q. Can cab drivers use fares collected from
3 credit card payments toward paying the shift
4 fee?
5 A. **No.**
6 Q. Can the driver pay the shift fee on his own
7 credit card?
8 A. **No.**
9 Q. So the only way the driver can pay the fee is
10 either in cash or through vouchers?
11 A. **Yes.**
12 Q. And what about the insurance; is that also
13 paid in cash?
14 A. **Yes.**
15 Q. Now, are those insurance payments made to you
16 or to some outside insurance company?
17 A. **We are self-insured.**
18 Q. Can you tell me what you mean by that.
19 A. **We have a bond with the State and we cover**
20 **for all of the damages, whatever happens in**
21 **the cab.**
22 Q. When you say "we have a bond with the State,"
23 who is it who has the bond?
24 A. **The corporations have bonds.**

Page 92

1 Q. So the State permits you to provide insurance
2 yourself without having an outside insurance
3 agency sell the insurance?
4 A. **Yes.**
5 Q. What's the range of the total amount of fares
6 and tolls that a shift driver will typically
7 bring in on a shift driving one of your cabs?
8 **MR. KAITZ:** Objection.
9 Q. What's the total amount of revenue that a
10 driver who leases one of your cabs will bring
11 in on a 12-hour shift?
12 **MR. KAITZ:** Objection.
13 **MR. DeNAPOLI:** Object.
14 A. **He is an independent leasee. I don't get**
15 **involved. I don't know any of their -- how**
16 **much business they do in that cab.**
17 Q. You don't track it at all?
18 A. **I don't track.**
19 Q. Your cabs all have credit card machines in
20 them, right?
21 A. **Yes.**
22 Q. And the credit card machines track the amount
23 of revenues that are brought in for the cabs,
24 right?

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1 MR. KAITZ: Objection.
2 A. **They track, yes.**
3 Q. So do you know what a typical amount of
4 revenue is for a cab to bring in for a shift?
5 MR. KAITZ: Objection.
6 MS. LITSAS: Objection.
7 A. **I don't get involved.**
8 Q. Tell me, Mr. Tutunjian, do you know what a
9 typical amount of money is that a driver will
10 have at the end of a shift after having paid
11 the lease payment, the insurance, the gas,
12 tolls, et cetera?
13 MR. KAITZ: Objection.
14 A. **They independently lease. Whatever they do,**
15 **it is their business.**
16 Q. But you talk to the drivers every day, right?
17 A. **I talk to the drivers every day.**
18 Q. Have you ever had a discussion with a driver
19 to find out what they are making in their
20 pocket at the end of the day after paying all
21 of these fees and expenses?
22 MR. KAITZ: Objection.
23 A. **They are independent.**
24 Q. I understand you are saying they are

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1 independent. My question is, you have been
2 in this industry for decades and you talk to
3 cab drivers every day. I want to know what
4 do you understand from your discussions with
5 them that they have in their pocket at the
6 end of the day after paying all of these fees
7 and expenses?
8 MR. KAITZ: Objection.
9 MR. DeNAPOLI: I object.
10 A. **They are independent businessmen. If at the**
11 **end of the year they make 20,000, 50,000,**
12 **40,000, 30,000, that's their business. I**
13 **don't get involved.**
14 Q. Do you know what they typically make?
15 MR. KAITZ: Objection.
16 MR. DeNAPOLI: Object.
17 A. **I don't keep track.**
18 Q. I know you don't keep track. But have you
19 had discussions with drivers to know what
20 they are typically making?
21 A. **I don't ask that question.**
22 Q. Never? In all of your years in this business
23 you have never asked a driver that question?
24 MR. KAITZ: Objection.

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1 A. **I ask, how was your day? Good or bad? They**
2 **smile, good. Some days they say it is good.**
3 **Some days they say it is bad.**
4 Q. What's a good day?
5 A. **You have to ask them.**
6 Q. What is your understanding of what a good day
7 is?
8 MR. KAITZ: Objection.
9 A. **You have to ask the independent driver leasee**
10 **what's a good day for him.**
11 Q. As you sit here today, do you have any idea
12 at all what any of the drivers who are
13 leasing any of your cabs make in their pocket
14 at the end of the day after paying all of
15 these fees and expenses? Can you give me a
16 range?
17 MR. KAITZ: Objection.
18 MR. DeNAPOLI: Objection.
19 A. **The business they make is, every day is**
20 **different for them. That's the answer I get.**
21 Q. There are some days they could make nothing,
22 right?
23 MR. KAITZ: Objection.
24 MS. LITSAS: Objection.

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1 A. **I never go into details.**
2 Q. Is it possible that they could make nothing
3 in a day?
4 MR. KAITZ: Objection.
5 A. **I don't go into details.**
6 Q. Is it possible they could make $100 in total
7 in fares and tips in a day?
8 MR. KAITZ: Objection.
9 MS. LITSAS: Objection.
10 A. **I don't ask the details.**
11 Q. I am not asking if you ask. Let me ask you
12 this: Is it possible for a driver to drive a
13 12-hour shift and not bring in enough in
14 fares and revenues to cover the cost of a
15 lease payment for that shift?
16 MR. KAITZ: Objection.
17 MS. LITSAS: Objection.
18 Q. Is that possible?
19 A. **A person who leases a cab can find out on**
20 **their own how much they make by looking and**
21 **log in to CMT, the credit card company.**
22 MS. LISS-RIORDAN: Can you read my
23 question, please.
24 (Question read: "Is it possible for a driver

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1 to drive a 12-hour shift and not bring in
2 enough in fares and revenues to cover the
3 cost of a lease payment for that shift?")
4 **MR. DeNAPOLI:** I object.
5 **MR. KAITZ:** Objection.
6 **MS. LITSAS:** Objection.
7 A. **A person -- the driver when he leases a car,**
8 **I don't get involved about how much he is**
9 **making.**
10 Q. That's not my question. Do you want it read
11 back again?
12 **MR. KAITZ:** You have his answer to
13 the question.
14 **MS. LISS-RIORDAN:** He has not
15 answered the question.
16 **MR. KAITZ:** That's his answer.
17 **MS. LISS-RIORDAN:** I am going to
18 keep asking it until I get an answer.
19 Q. Let me try one more time.
20 A. **Let me take a break and use the bathroom.**
21 Q. We can take a break after you answer this
22 question. If there is a question pending,
23 you have to answer it.
24 A. **You don't want me to take a bathroom?**

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1 Q. After you answer this one question. Is it
2 possible for a driver to drive a 12-hour
3 shift and not bring in enough revenue in
4 fares and tips to cover the cost of leasing
5 the cab for that shift? Is that possible?
6 **MR. KAITZ:** Objection.
7 **MS. LITSAS:** Objection.
8 **MR. DeNAPOLI:** I object.
9 Q. It is a yes-or-no question. Is that
10 possible?
11 A. **I don't know. That's my answer.**
12 Q. All of your decades working in this business
13 you don't know whether that's even possible?
14 **MR. KAITZ:** Objection.
15 A. **I don't know.**
16 **MS. LISS-RIORDAN:** Let's take a
17 break.
18 (Whereupon the luncheon recess was taken at
19 12:30 p.m. to 1:35 p.m.)
20
21
22
23
24

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1 AFTERNOON SESSION
2
3 **EXAMINATION BY MS. LISS-RIORDAN:**
4
5 Q. Before lunch we spent a lot of time talking
6 about your nephew, Armen. I wanted to make
7 sure we have his name correct for the record.
8 Can you spell it, please.
9 A. **A-r-m-e-n.**
10 Q. What's his last name?
11 A. **Mahserejian, M-a-h-s-e-r-e-j-i-a-n.**
12 Q. Your other nephew?
13 A. **Raffi, R-a-f-f-i, Chapian, C-h-a-p-i-a-n.**
14 Q. What's your son's name?
15 A. **Peter.**
16 Q. Peter Tutunjian?
17 A. **Yes.**
18 Q. Do you have other children?
19 A. **Other children?**
20 Q. Yes.
21 A. **Elsie and Mary. Mary is married now. Mary**
22 **Tarpy, T-a-r-p-y.**
23 Q. And Elsie is Elsie Tutunjian?
24 A. **Yes.**

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1 Q. What's your wife's name?
2 A. **Nancy Tutunjian.**
3 Q. Thank you. I was asking you some questions
4 before we broke for lunch about how much cab
5 drivers make on a shift. Let me just ask you
6 this: What is the most amount you have ever
7 heard of a cab driver leasing a cab from you
8 bringing home from one shift?
9 **MR. KAITZ:** Objection.
10 A. **A lease driver one time told me that he made**
11 **$500.**
12 Q. That's the most you have heard someone making
13 from a 12-hour shift?
14 A. **Yes.**
15 Q. Is that total the total amount collected
16 before paying the shift fee and gas and
17 tolls?
18 A. **Before paying the lease fee, no. He took**
19 **500. He made 500 for himself for that night**
20 **of business.**
21 Q. After paying the lease fee?
22 A. **Yes.**
23 Q. And how did you hear about this?
24 A. **A couple of drivers talking with each other**

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1 **in the drivers' room where they come and wait**
2 **for the lease, leasing the cabs.**
3 Q. Have you heard other conversations about what
4 drivers have taken home after a shift?
5 **MR. KAITZ:** Objection.
6 **A. I don't pay attention too much.**
7 Q. Have you ever heard any such conversations?
8 **A. Probably I heard.**
9 Q. What else have you heard?
10 **A. They make a couple hundred bucks. They lost**
11 **a couple hundred in Foxwoods. They made 500**
12 **in scratch tickets, conversations like that.**
13 Q. So you've heard about drivers making a couple
14 hundreds bucks from a shift driving one of
15 your cabs?
16 **A. Leasing cabs, yes.**
17 Q. Is that before or after paying the rental
18 fee?
19 **A. I never asked them.**
20 Q. Your understanding, if you heard someone
21 talking about bringing home a couple hundred
22 bucks, do they talk about that before or
23 after the fee is being paid?
24 **MR. KAITZ:** Objection.

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1 **A. I don't ask them. I don't go into specifics.**
2 **It is their business. They run their own**
3 **business. I don't go in details how much**
4 **they make.**
5 Q. So the drivers have to pay the lease fee for
6 every shift, correct?
7 **A. Correct.**
8 Q. So drivers receive money from passengers in
9 the form of fares and tips, right?
10 **A. Right.**
11 Q. And it all kind of gets mixed together,
12 right?
13 **MR. KAITZ:** Objection.
14 Q. So my question is, they have to pay you the
15 lease fee, and you don't care where it comes
16 from, right? You don't care where that money
17 comes from?
18 **A. They pay the lease fee.**
19 Q. It doesn't matter to you whether it is coming
20 out of their fares or tips; they just have to
21 pay it to you?
22 **MR. KAITZ:** Objection.
23 **A. I don't get into specifics how they pay me**
24 **the lease.**

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1 Q. But they just have to pay it to you
2 regardless of whether it came out of their
3 fares or out of their tips, right?
4 **MR. KAITZ:** Objection.
5 **A. They pay the lease amount. I don't go into**
6 **specifics on their tips, their fares, their**
7 **winnings from Foxwoods or from the scratch**
8 **tickets or the Daily Number. I don't get**
9 **into details.**
10 Q. But there is no rule, is there, that the
11 drivers get to keep all of their tips no
12 matter what and then they just have to pay
13 lease fees out of whatever they have left
14 from the fares? You don't have any kind of
15 rule like that, right?
16 **MR. KAITZ:** Objection.
17 **MR. DeNAPOLI:** I object.
18 **A. I don't know any of the rules. All I know is**
19 **Hackney puts the lease rate. We collect that**
20 **lease. They pay us. I don't know where the**
21 **money comes from.**
22 Q. You don't have any rule that the money cannot
23 come out of tips, right?
24 **MR. KAITZ:** Objection.

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1 **A. I don't mix the fares, tips. I don't mix**
2 **anything. All I know is I want my, you know,**
3 **lease rate. That's how we operate.**
4 Q. You want your fee wherever the money comes
5 from?
6 **MR. KAITZ:** Objection.
7 **MR. DeNAPOLI:** I object.
8 **A. We just want the lease amount.**
9 Q. Do drivers ever pay extra to the dispatchers
10 in order to get a cab?
11 **A. No.**
12 Q. Have you ever heard of drivers paying extra
13 to the dispatcher in order to get a cab?
14 **A. No.**
15 Q. Would that be allowed for a driver to pay
16 extra to one of your dispatchers to get a
17 cab?
18 **A. No. I don't tolerate that kind of thing,**
19 **that they have to pay extra for lease. We**
20 **have the lease rates set up, and whoever**
21 **comes in gets the waybill end of the shift,**
22 **12-hour lease period, they pay that amount.**
23 **No extra money.**
24 Q. Have you ever heard of drivers having to pay

1 extra to the dispatcher in order to get a
2 cab?
3 MR. KAITZ: Objection.
4 A. **I haven't heard any.**
5 Q. If you knew that a dispatcher was collecting
6 extra money from a driver to get a cab, would
7 you take action --
8 A. **Yes.**
9 MR. KAITZ: Objection.
10 Q. -- against that dispatcher?
11 A. **Yes. Whenever a dispatcher asks him for more**
12 **than the lease and I find out, I would fire**
13 **that dispatcher.**
14 Q. Has that ever happened?
15 A. **No.**
16 Q. You have never heard of a dispatcher
17 collecting additional money from a driver in
18 order to get the driver a cab?
19 A. **No.**
20 MR. KAITZ: Objection?
21 Q. But if that happened, you would fire that
22 dispatcher?
23 A. **Yes.**
24 Q. Has anyone ever claimed that that happened to



1 you?
2 A. **No.**
3 MR. KAITZ: Objection.
4 Q. Now, we talked before about what the fees are
5 to rent a cab for a 12-hour shift and for a
6 weekly shift. What's the fee to rent a cab
7 for a 24-hour shift?
8 A. **172.**
9 Q. Including tax?
10 A. **No. You add the tax, 06.25, whatever the**
11 **state -- just like when you lease a car from**
12 **Hertz, you pay sales tax and the insurance.**
13 **For 24 hours we charge $9.**
14 Q. So what's the total amount that a driver pays
15 for a 24-hour shift?
16 A. **If you add 172, plus 9, plus 10, it comes to**
17 **192.**
18 Q. I want to ask you more about the insurance.
19 If a driver gets into an accident and causes
20 damage to another vehicle, is that covered
21 under the insurance if they buy the insurance
22 from you?
23 A. **We cover it.**
24 Q. Does the driver have to pay the $5 for a



1 12-hour shift or $9 for a 24-hour shift
2 insurance in order to be covered?
3 A. **No. For someone else's damage he doesn't**
4 **have to pay anything. We cover that. We**
5 **cover the damage to the other property. Even**
6 **if it is his fault, we take responsibility**
7 **under self-insurance program. We pay for it,**
8 **damages.**
9 Q. So the insurance that the drivers pay is just
10 for damage to the car they are driving?
11 A. **The one they are leasing, yes.**
12 Q. What if a driver is injured himself in an
13 accident?
14 MR. KAITZ: Objection.
15 A. **When they are leasing a car?**
16 Q. Yes.
17 A. **There is a PIP by state law. Whatever the**
18 **PIP is we cover that. The insurance**
19 **handlers, Amity handles the insurance, Amity**
20 **Insurance.**
21 Q. And if a driver gets into an accident and
22 causes injury to a driver or passengers in
23 another car, how is that covered?
24 A. **We, the corporation that was involved,**



1 **handles it, the self-insurance program. We**
2 **cover it.**
3 Q. So what is covered through Amity and what is
4 self-insured?
5 A. **Amity just handles, like, the processing.**
6 **They handle the claims and everything.**
7 **That's all they do.**
8 Q. All of this insurance you are describing
9 you're self-insured for?
10 A. **Yes.**
11 Q. You pay out for whatever liabilities are
12 incurred if there is an accident and there is
13 injury to either the driver of the cab or a
14 passenger or a driver in another car; is that
15 right?
16 MR. KAITZ: Objection.
17 A. **Whoever is leasing, we cover. The personal**
18 **injury, property damage we cover.**
19 Q. So if the driver who has paid a lease payment
20 to you is injured while driving one of your
21 cabs, you cover the liability for that?
22 MR. KAITZ: Objection.
23 A. **Under the state laws, whatever the PIP, the**
24 **lease, the personal leases, we cover that PIP**